

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAVID MOSKOWITZ, SHAWN O'KEEFE,
ANDREW AMEND, ALLIE STEWART, ANGELA
CLARK, RICKY AMARO, ABIGAIL BAKER,
JAMES ROBBINS IV, EMILY COUNTS, DEBBIE
TINGLE, WYATT COOPER, and SARAH
GRANT, on behalf of themselves and all others
similarly situated,

19-CV-566 (NGG) (JRC)

Plaintiffs,

-against-

AMERICAN EXPRESS COMPANY and
AMERICAN EXPRESS TRAVEL RELATED
SERVICES COMPANY, INC.,

Defendants.

NICHOLAS G. GARAUFIS, United States District Judge.

FINAL VERDICT SHEET

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. **Your answer to each question must be unanimous.**

* * *

We, the jury, unanimously find the following general verdict and answer the questions submitted to us:

Antitrust Claims

Question No. 1:

Did the Plaintiffs prove, by a preponderance of the evidence and in accordance with the instructions given to you, the existence of a relevant product market?

To answer circle either: ☒ Yes or No

If you answered "Yes" to Question 1 then continue to Question 2.

If you answered "No" to Question 1 then proceed to "Illinois Claim."

Question No. 2:

If you answered "yes" to Question 1, please specify each relevant product market that Plaintiffs proved:

The relevant product market is the
two sided market for credit card
transactions in the United States.

Continue to Question 3.

Question No. 3:

Did the Plaintiffs prove, by a preponderance of the evidence and in accordance with the instructions given to you, that American Express's Non-Discrimination Provisions unreasonably restrain trade in the relevant product market(s)?

To answer circle either: Yes or ☒ No

If you answered "Yes" to Question 3 then continue to Question 4.

If you answered "No" to Question 3 then proceed to "Illinois Claim."

Question No. 4:

Did Plaintiffs prove, by a preponderance of the evidence and in accordance with the instructions given to you, that the Non-Discrimination Provisions caused injury to the Plaintiffs' business or property?

Alabama debit card class	To answer circle either: Yes or No
District of Columbia debit card class	To answer circle either: Yes or No
District of Columbia non-rewards credit card class	To answer circle either: Yes or No
Kansas debit card class	To answer circle either: Yes or No
Kansas non-rewards credit card class	To answer circle either: Yes or No
Maine debit card class	To answer circle either: Yes or No
Mississippi debit card class	To answer circle either: Yes or No
North Carolina debit card class	To answer circle either: Yes or No
Oregon debit card class	To answer circle either: Yes or No
Utah debit card class	To answer circle either: Yes or No

If you answered "Yes" to any part of Question 4 then continue to Question 5.

If you answered "No" to all parts of Question 4 then proceed to "Illinois Claim."

Question No. 5:

We award the following amounts of compensatory damages separately to each designated class of Plaintiffs:

Alabama debit card class	\$ _____
District of Columbia debit card class	\$ _____
District of Columbia non-rewards credit card class	\$ _____
Kansas debit card class	\$ _____
Kansas non-rewards credit card class	\$ _____
Maine debit card class	\$ _____
Mississippi debit card class	\$ _____
North Carolina debit card class	\$ _____
Oregon debit card class	\$ _____
Utah debit card class	\$ _____

Proceed to "Illinois Claim."

Illinois Claim

Question No. 6:

Did the Plaintiffs prove, by a preponderance of the evidence and in accordance with the instructions given to you, that American Express engaged in an unfair act or practice?

To answer circle either: ☒ Yes or No

If you answered "Yes" to Question 6 then continue to Question 7.

If you answered "No" to Question 6 then proceed to "Mitigation."

Question No. 7:

Did the Plaintiffs prove, by a preponderance of the evidence and in accordance with the instructions given to you, that American Express intended for the Illinois Plaintiffs to rely on the unfair act or practice?

To answer circle either: ☒ Yes or No

If you answered "Yes" to Question 7 then continue to Question 8.

If you answered "No" to Question 7 then proceed to "Mitigation."

Question No. 8:

Did the Plaintiffs prove, by a preponderance of the evidence and in accordance with the instructions given to you, that the unfair act or practice occurred in the course of trade or commerce?

To answer circle either: ☒ Yes or No

If you answered “Yes” to Question 8 then continue to Question 9.

If you answered “No” to Question 8 then proceed to “Mitigation.”

Question No. 9:

Did the Plaintiffs prove, by a preponderance of the evidence and in accordance with the instructions given to you, that the unfair act or practice proximately caused actual damages to the Illinois Plaintiffs?

Illinois debit card class	To answer circle either: Yes or <input checked="" type="radio"/> No
Illinois non-rewards credit card class	To answer circle either: <input checked="" type="radio"/> Yes or No

If you answered “Yes” to any part of Question 9 then continue to Question 10.

If you answered “No” to all parts of Question 9 then proceed to “Mitigation.”

Question No. 10:

We award the following amounts of compensatory damages separately to each designated class of Illinois Plaintiffs:

Illinois debit card class	\$ <u>0</u>
Illinois non-rewards credit card class	\$ <u>6,006,339.55</u>

Proceed to Question 11.

Question No. 11:

We award the following amounts of punitive damages separately to each designated class of Illinois Plaintiffs:

Illinois debit card class	\$ <u>0</u>
Illinois non-rewards credit card class	\$ <u>6,500,000</u>

If you awarded damages in response to Questions 5, 10, or 11, proceed to Question 12.

If you did not award any damages, proceed to "End of Verdict Form."

Mitigation

Question No. 12:

Did American Express prove, by a preponderance of the evidence and in accordance with the instructions given to you, (1) that Plaintiffs acted unreasonably in failing to take specific steps to minimize or limits their losses; (2) that the failure to take those specific steps resulted in losses being greater than they would have been had Plaintiffs taken such steps; and (3) the amount by which Plaintiffs' losses would have been reduced had Plaintiffs taken those steps?

To answer circle either: Yes or ☒ No

If you answered "Yes" to Question 12 then continue to Question 13.

If you answered "No" to Question 12 then proceed to "End of Verdict Form."

Question No. 13:

State the total dollar amount by which Plaintiffs' losses would have been reduced had Plaintiffs taken steps to minimize or limits their losses:

Alabama debit card class	\$ _____
District of Columbia debit card class	\$ _____
District of Columbia non-rewards credit card class	\$ _____
Illinois debit card class	\$ _____
Illinois non-rewards credit card class	\$ _____
Kansas debit card class	\$ _____
Kansas non-rewards credit card class	\$ _____
Maine debit card class	\$ _____
Mississippi debit card class	\$ _____
North Carolina debit card class	\$ _____
Oregon debit card class	\$ _____
Utah debit card class	\$ _____

Proceed to "End of Verdict Form."

END OF VERDICT FORM

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Foreperson should then sign and date the verdict form in the spaces below and notify the courtroom deputy that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

We, the jury, return this verdict form as our verdict in this case.

Aug. 28, 2025
DATE

M. Rodriguez
FOREPERSON